

## **II. Amendments to the Drawings**

During preparation of this Amendment, the undersigned attorney observed extraneous material in Figure 2 which, it is supposed, was included in the drawings filed with the United States Patent and Trademark Office on March 29, 2004. The extraneous material comprehends a grouping of section lines in the center left portion of Figure 2 which are unrelated to the actual components illustrated therein.

Accordingly, Applicant's attorney has submitted herewith a revised Figure 2 which properly presents the invention. Inasmuch as the section lines appearing in the earlier filed drawing are clearly extraneous, it is submitted that no new matter has been added by way of this correction to Figure 2.

## II. Remarks

Claims 1 through 20 are pending in the application. Claims 3, 10 and 17 have been cancelled. Claims 1, 5, 7, 8, 15 and 20 have been amended. New claims 21 and 22 have been added.

### Rejections Under 35 U.S.C. § 102

Claims 1 through 4, 7 through 11, 14 through 18 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,890,468 issued to Ozawa.

Ozawa discloses numerous embodiments of a supercharger driving and controlling means. Specifically, 25 embodiments of a differential driving supercharger (sic) are disclosed. A relatively large number of embodiments, such as those disclosed, *inter alia*, in Figures 6, 7, 11, 15, 16, 17 and 18 teach a planetary gear configuration similar to that of the Applicant. That is, an engine output drives a planetary gear assembly through the carrier and planet gears. A sun gear provides an output to a supercharger. An internally and externally toothed ring gear is concentrically disposed about the sun gear. Its inner teeth engage the planet gears disposed on the carrier and its outer teeth are engaged by the output of a variable speed drive which is also driven by the engine output.

The similarities between the Ozawa reference and Applicants' device end here.

Notwithstanding the Examiner's assertion that the transmission of Ozawa is a hydrostatic transmission, the only reference to a transmission in Ozawa is the transmission 40 which is described as a driving force transmission system for the vehicle, not the supercharger. That is, the transmission provides driveline energy to

the vehicle tires or crawler belts. More importantly, however, the document has been carefully searched and nowhere does the word "hydrostatic" appear therein with regard to either the transmission 40 or any other power transfer or conversion device. The reason is clear, the Ozawa device utilizes hydraulic circuits including, *inter alia*, motors and pumps of various configurations as well as mechanical clutches to control the rotation of the ring gear. Nowhere in the document is there disclosed or suggested a hydrostatic continuously variable swash plate transmission which provides a variable speed drive between the input and the planetary ring gear. As filed, therefore, at least claim 1, reciting the hydrostatic transmission, and claims depending therefrom are patentable.

In order to further distinguish the claims over the prior art, independent claims 8 and 15 have been revised to specifically recite the hydrostatic transmission and independent claims 1, 8 and 15 have been revised to recite the component parts of the transmission. Nothing in Ozawa either anticipates or renders obvious the use of a continuously variable hydrostatic swash plate transmission in the disclosed supercharger drive assembly. In view thereof, it is submitted that claims 1, 2, 4, 7 through 9, 11, 14 through 16 and 18 through 20 define patentable subject matter and should be allowed.

Claims 21 and 22 have been added to recite the gears connecting the hydrostatic transmission output and the planetary ring gear. When read with the independent claims from which they depend, it is asserted that they clearly recite patentable subject matter.

*Allowable Subject Matter*

The undersigned acknowledges the Examiner's indication of the allowability of claims 5, 6, 12, 13 and 19, if rewritten into independent form, including all of the limitations of any base claims. Nonetheless, the present amendments undertaken to the claims are believed to more fairly and accurately recite the particular subject matter disclosed herein. Accordingly, action on these objected to claims has been deferred.

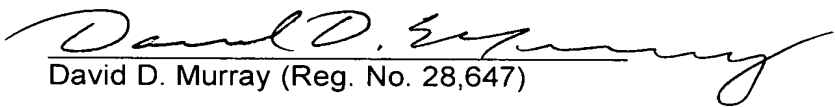
**SUMMARY**

Pending Claims 1, 2, 4 through 9, 11 through 16 and 18 through 22 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

December 20, 2005

Date

  
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